

**A REGULAR MEETING
OF
THE PUBLIC SERVICE COMMISSION**

1. A Regular Meeting was called to order by Acting Chair Conaway in the Hearing Room, 861 Silver Lake Boulevard, Dover, Delaware, on Thursday, February 6, 2014, at 1:00 p.m. with the following Commissioners in attendance: Jeffrey Clark and Jaymes Lester.

The following Staff members were in attendance: Alisa Bentley, Julie Donoghue, Deputy Attorney General, Janis Dillard, Robert Howatt, and Kathleen Makowski, Deputy Attorney General.

2. The Commission Meeting scheduled for January 21, 2014 was canceled due to inclement weather, causing the State of Delaware government offices to close.
3. Commissioner Lester motioned to approve the meeting minutes from the January 7, 2014 meeting; seconded by Commissioner Clark; the motion carried unanimously.
4. CONSENT AGENDA ITEMS:

A motion was made by Commissioner Lester to adopt the following Consent Agenda items:

IN THE MATTER OF THE APPLICATION OF TIDEWATER ENVIRONMENTAL SERVICES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES TO A PARCEL OF LAND LOCATED ON THE EAST SIDE OF HOLLYVILLE ROAD, EAST OF GEORGETOWN, SUSSEX COUNTY, DELAWARE (FILED AUGUST 26, 2005) – PSC DOCKET NO. 05-WW-024

IN THE MATTER OF THE APPLICATION OF TIDEWATER ENVIRONMENTAL SERVICES, INC. TO ABANDON UNDER 26 DEL. C. §203A (d) WASTEWATER SERVICES PROVIDED UNDER A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (FILED DECEMBER 9, 2013) – PSC DOCKET NO. 13-WW-006

Commission to consider Staff Memorandum and Proposed Order No. 8529.

IN THE MATTER OF THE APPLICATION OF BERKSHIRE ENERGY PARTNERS, LLC FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (FILED DECEMBER 10, 2013) – PSC DOCKET NO. 13-486

Commission to consider Application, Staff Memorandum and Proposed Order No. 8516.

The motion was seconded by Commissioner Clark; the motion carried unanimously.

5. REGULAR AGENDA ITEMS:

IN THE MATTER OF THE NOTICE OF POTENTIAL VIOLATION OF 26 DEL. ADMIN. C. §8001 AND ASSOCIATED CIVIL PENALTIES ASSESSED TO COUNTY PROPANE OF DELMARVA, LLC (OPENED AUGUST 8, 2013) – PSC DOCKET NO. 393-13

Jerry Platt appeared on behalf of Staff.

A motion was made by Commissioner Clark and seconded by Commissioner Lester to adopt Order No. 8514; the motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE NOTICE OF POTENTIAL VIOLATION OF 26 DEL. ADMIN. C. §8001 AND ASSOCIATED CIVIL PENALTIES ASSESSED TO AERO ENERGY, INC. (OPENED OCTOBER 3, 2013) – PSC DOCKET NO. 394-13

Jerry Platt appeared on behalf of Staff.

A motion was made by Commissioner Clark and seconded by Commissioner Lester to adopt Order No. 8524; the motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF VODAFONE GLOBAL ENTERPRISE INC. FOR AUTHORITY TO PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICES WITHIN THE STATE OF DELAWARE (FILED OCTOBER 7, 2013) – PSC DOCKET NO. 13-388

A motion was made by Commissioner Lester and seconded by Commissioner Clark to table this agenda item; the motion carried unanimously.

COMPLIANCE FILING IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR APPROVAL OF QUALIFIED FUEL CELL PROVIDER PROJECT TARIFF (FILED DECEMBER 23, 2013) – PSC DOCKET NO. 13-76-12

Kathleen Makowski, Deputy Attorney General, appeared on behalf of Staff.

David Bonar and Regina Iorii, Esquire, appeared on behalf of the Division of the Public Advocate.

Todd Goodman, Esquire, appeared on behalf of Delmarva Power & Light Company.

No action needed to be taken on this item.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF MEDIACOM DELAWARE LLC FOR THE COMMENCEMENT OF PROCEEDINGS PURSUANT TO 47 U.S.C. § 546 REGARDING THE RENEWAL OF THE CABLE TELEVISION FRANCHISE TO SERVE CERTAIN UNINCORPORATED AREAS OF SUSSEX COUNTY, DELAWARE (FILED OCTOBER 17, 2013) – PSC DOCKET NO. 13-431

Kathleen Makowski, Deputy Attorney General, appeared on behalf of Staff.

David Bonar and Regina Iorii, Esquire, appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Lester and seconded by Commissioner Clark to adopt Order No. 8527; the motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF TIDEWATER UTILITIES, INC. FOR A GENERAL RATE INCREASE IN WATER BASE RATES AND TARIFF REVISIONS (FILED NOVEMBER 25, 2013) – PSC DOCKET NO. 13-466

James Geddes, Esquire, appeared on behalf of Staff.

David Bonar and Regina Iorii, Esquire, appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Clark and seconded by Commissioner Lester to adopt Order No. 8522; the motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF BROADWING COMMUNICATIONS, LLC FOR A BLOCK OF TELEPHONE NUMBERS USING THE FCC SAFETY VALVE PROCESS (FILED DECEMBER 30, 2013) – PSC DOCKET NO. 13-509

Kathleen Makowski, Deputy Attorney General, appeared on behalf of Staff.

David Bonar and Regina Iorii, Esquire, appeared on behalf of the Division of the Public Advocate.

A motion was made by Commissioner Lester and seconded by Commissioner Clark to adopt Order No. 8523; the motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE POLICY FILING MADE BY DELMARVA POWER & LIGHT COMPANY ENTITLED PROPOSED FORWARD LOOKING RATE PLAN (FILED OCTOBER 2, 2013) – PSC DOCKET NO. 13-384

Kathleen Makowski, Deputy Attorney General, appeared on behalf of the Public Service Commission.

James Geddes, Esquire, appeared on behalf of Staff.

David Bonar and Regina Iorii, Esquire, appeared on behalf of the Division of the Public Advocate.

John Kowolko appeared on behalf of himself.

John Nichols appeared on behalf of himself.

A motion was made by Commissioner Clark and seconded by Commissioner Lester to approve John Kowolko to intervene; the motion carried unanimously.

A motion was made by Commissioner Clark and seconded by Commissioner Lester to table Mr. Osienski's petition; the motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR AN INCREASE IN ELECTRIC BASE RATES AND MISCELLANEOUS TARIFF CHANGES (FILED MARCH 22, 2013) – PSC DOCKET NO. 13-115

James Geddes, Esquire, appeared on behalf of Staff.

David Bonar and Regina Iorii, Esquire, appeared on behalf of the Division of the Public Advocate.

Todd Goodman, Esquire, appeared on behalf of Delmarva Power & Light Company.

A motion was made by Commissioner Clark and seconded by Commissioner Lester to reverse the decision of the Hearing Examiner in the case on an interlocutory basis and remand the matter for the rest of the proceeding.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE PROVISION OF STANDARD OFFER SUPPLY TO RETAIL CONSUMERS IN THE SERVICE TERRITORY OF DELMARVA POWER & LIGHT COMPANY AFTER MAY 1, 2006 (OPENED OCTOBER 19, 2004) – PSC DOCKET NO. 04-391

Kathleen Makowski, Deputy Attorney General and Clishona Marshall appeared on behalf of Staff.

Regina Iorii, Esquire, and Andrea Maucher appeared on behalf of the Division of the Public Advocate.

Pamela Scott, Esquire, and Kristin McElvoy appeared on behalf of Delmarva Power & Light Company.

A motion was made by Commissioner Lester and seconded by Commissioner Clark to adopt Order No. 8519; the motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE PROVISION OF STANDARD OFFER SUPPLY TO RETAIL CONSUMERS IN THE SERVICE TERRITORY OF DELMARVA POWER & LIGHT COMPANY AFTER MAY 1, 2006 (OPENED OCTOBER 19, 2004) – PSC DOCKET NO. 04-391

Pam Knotts appeared on behalf of Staff

Jim Letzelter appeared on behalf of Liberty Consulting.

A motion was made by Commissioner Conaway to enter into Executive Session at 3:28 p.m.; seconded by Commissioners Clark and Lester to discuss confidential information; the motion carried unanimously.

A motion was made by Commissioner Clark and seconded by Commissioner Lester to reconvene to Public Session at 3:36 p.m.; the motion carried unanimously.

A motion was made by Commissioner Lester and seconded by Commissioner Clark to accept the results of this tranche; the motion carried unanimously.

IN THE MATTER OF THE APPLICATION OF DELMARVA POWER & LIGHT COMPANY FOR A CHANGE IN NATURAL GAS BASE RATES AND MISCELLANEOUS TARIFF CHANGES (FILED DECEMBER 7, 2012) – PSC DOCKET NO. 12-546

James Geddes, Esquire, and Connie McDowell appeared on behalf of Staff.

Regina Iorii, Esquire, and Andrea Maucher appeared on behalf of the Division of the Public Advocate.

Pamela Scott, Esquire, and Robert Kitson appeared on behalf of Delmarva Power & Light Company.

A motion was made by Commissioner Lester and seconded by Commissioner Clark to adopt Order No. 8528; the motion carried unanimously.

A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE APPLICATION OF SLAUGHTER BEACH WATER COMPANY FOR AN INCREASE IN WATER RATES (FILED SEPTEMBER 18, 2013) – PSC DOCKET NO. 13-364

Kathleen Makowski, Deputy Attorney General, and Lisa Driggins appeared on behalf of Staff.

David Bonar and Regina Iorii, Esquire, appeared on behalf of the Division of the Public Advocate.

James Griffin, Esquire, Frank Draper, and Robert Lank appeared on behalf of Slaughter Beach Water Company.

A motion was made by Commissioner Clark and seconded by Commissioner Lester to adopt Order No. 8526; the motion carried unanimously.

A verbatim transcript was made of this proceeding.

6. DIRECTOR'S COMMENTS:

Kathleen Makowski, Deputy Attorney General, discussed Birch and Level 3 Financing and Staff Memorandum that went into effect automatically on January 21, 2014, pursuant to the statute. Also, the Commission decided to continue to include all 215 filings on the Consent Agenda for review.

Kathleen Makowski, Deputy Attorney General, notified the Commissioners that Senate Bill 55 had been signed by the Governor and that the Commissioners were expected to file their individual Financial Disclosure forms by the February 13, 2014 deadline.

A verbatim transcript was made of this proceeding.

Robert Howatt, for general information, briefed the Commission regarding Peoples Power and Clean Currents were no longer serving customers and that Delmarva Power and Light Company would be taking over the servicing of those customers.

A verbatim transcript was made of this proceeding.

The discussion regarding the revisions to the meeting agenda format was postponed until the next Commission meeting.

There was no further business and the meeting adjourned at approximately 4:35 p.m.

Respectfully submitted,

Secretary